IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. CRIMINAL REVISION PETITION NO. 84/2005

VIJAY SINGH Vs. STATE OF RAJASTHAN

DATE: 06.02.2007.

HON'BLE MR. K.S. RATHORE, J.

Mr. K.N. Sharma for the accused-petitioner.
Mr. Ashwani Kumar Sharma, PP for the State.

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This revision petition under Section 397 r/w Section 401 Cr.P.C. is directed against the judgment dated 14.06.2004 passed by the Additional Sessions Judge No.1, Ajmer in Criminal Appeal No. 85/2004, whereby he dismissed the appeal of the accused-petitioner filed against the judgment dated 07.05.2004 passed by the Additional Civil Judge (Jr. Division) & Judicial Magistrate No.5, Ajmer in Criminal Case No. 521/2003, by which the accused-petitioner has been convicted and sentenced as under:-

Under Section 279 IPC	Simple imprisonment for three months and a fine of Rs. 500/-, in default of payment of fine to further undergo simple imprisonment for 15 days.
Under Section 304-A IPC	Simple imprisonment for one year and a fine of Rs. 4,500/-, in default of payment of fine to further undergo simple imprisonment for three months.

Brief facts giving rise to the present revision petition are that on the basis of the written report submitted by the complainant Manu at Police Station Srinagar, FIR No. 32/2003 was registered and investigation commenced. After completion of the investigation, charge-sheet was filed against the accused-petitioner and he was charged by the trial Court for the offence under Sections 279 and 304-A IPC. During trial the prosecution examined as many as 13 witnesses and exhibited 8 documents in support of its case. The statement of the accused petitioner under Section 313 Cr.P.C. was recorded wherein he denied the allegations levelled against him. After hearing the arguments of the respective parties, the trial Court vide its impugned judgment dated 07.05.2004 convicted and sentenced the accused-petitioner as indicated herein above. Against the said judgment dated 07.05.2004, the petitioner filed an appeal and the same was also dismissed by the Appellate Court vide order dated 14.06.2004.

Aggrieving and dissatisfying with the aforesaid judgment dated 07.05.2004 passed by the trial Court and the judgment dated 14.06.2004 passed by the Appellate Court, the accused-petitioner has preferred the present revision petition.

I have heard rival submissions of the respective parties and have also gone through the

relevant record as well as the impugned judgments passed by the trial Court and the Appellate Court.

Considering the submissions made by the learned counsel for the accused-petitioner that the accused-petitioner has already remained in custody for about seven months and keeping in view the law laid down by Hon'ble the Supreme Court in the case of ***State of Maharastra Vs. Jagmohan Singh Kuldeep Singh Anand & Others, reported in 2004(7) SCC 659,*** the accused-petitioner deserves to be let off on the period already undergone by him, but the fine imposed upon him is required to be enhanced to meet the ends of justice.

In the result, the present revision petition is partly allowed and the conviction of the accused-petitioner Vijay Singh S/o Shri Bhanwar Singh under Sections 279 and 304-A IPC is upheld and confirmed but the sentence of imprisonment imposed upon him is reduced to the period already undergone by him and the fine is enhanced to Rs. 7,500/-, in default of payment of fine the accused-petitioner will have to undergo the sentence as awarded by the Appellate Court.

Record be sent back forthwith.

(K.S. RATHORE),J.

/KKC/